

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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**BIHAR SCHOOL OF YOGA**

Through

**NORTH AMERICAN GURUKUL, INC.**

**CV 12-**

**3751**

Plaintiff,

CASE NO.

**DEARIE, J.**

-against-

**COMPLAINT**

**SUMMONS ISSUED POLLAK, M.J**

PLAINTIFFS  
DEMAND  
TRIAL BY JURY

**AMAZON.COM, INC.**  
**JOHN DOES CORPORATIONS 1-5**  
**JOHN DOES NOS. 1-5**

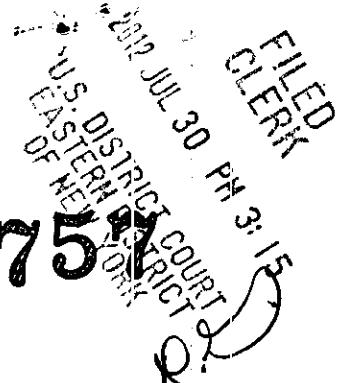
Defendants.

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Plaintiffs Bihar School of Yoga through North American Gurukul, Inc. (hereinafter "NAG") by its undersigned attorneys, for their complaint against defendants Amazon.com, Inc., John Does Corporations 1-5 and John Doe Nos. 1-5 aver as under:

**NATURE OF THE ACTION**

1. Plaintiff is bringing this action to enforce its copyrights and trademarks against defendants John Does Corporations 1-5 and John Does 1-5, who are officers of John Does Corporations for unlawful sale of counterfeit copies of plaintiff's copyright work via defendant Amazon.com, Inc.'s (hereinafter "Amazon") Internet-based marketplace available on [www.amazon.com](http://www.amazon.com). The identity of John Does Corporations 1-5 and John Does 1-5 is currently unknown. Therefore, the action is also against brought against



defendant Amazon to direct the defendant to release information pertaining for John Does Corporations 1-5 and John Does 1-5.

**JURISDICTION AND VENUE**

2. This Court has subject matter jurisdiction over the first two claims in this action pursuant to 28 U.S.C. §§ 1331 and 1338 because they arise under the Copyright Act, 17 U.S.C. § 101 et seq., or the Lanham Act, 15 U.S.C. § 1051 et seq. This Court has subject matter jurisdiction over the third claim in this action pursuant to 28 U.S.C. § 1367 because it is so related to the claims within the original jurisdiction of this Court that they form part of the same case or controversy within the meaning of Article III of the United States Constitution.
3. Upon information and belief, venue is proper in this District pursuant to 28 U.S.C. § 1391.

**THE PARTIES**

4. Bihar School of Yoga (hereinafter “BSY”) is an educational institution in India, which holds copyright to, and publishes books related to yoga activities. The books published by BSY are distributed and sold worldwide. BSY is represented in the United States by North American Gurukul, Inc. (hereinafter “NAG”).
5. Amazon is a corporation organized and existing under the laws of the State of Washington with its principal place of business at 1516 2<sup>nd</sup> Avenue, Seattle, WA 98101.
6. The names and the addresses of the John Does Corporations 1-5 and John Does 1-5 are currently not known to the plaintiff.

**THE BUSINESSES OF PLAINTIFF**

7. Plaintiff BSY publishes a variety of works, including books related to wellness and health being through yoga.
8. The books have been published by BSY since early 1960s, which are distributed and sold worldwide through different channels of trade.
9. As a standard practice of BSY, the copyright on works published by BSY are held by BSY perpetually. This practice enables plaintiff to maximize dissemination of each work.
10. BSY invests significant monies to publish their copyrighted works. BSY, for example, make substantial investments in royalties, content creation, licensing, copyediting, proofreading, typesetting, layout, printing, binding, distribution, and promotion.
11. BSY earns a substantial portion of their revenue from the publication of their copyrighted works and would suffer serious financial injury if their copyrights were not enforced. A substantial decline in their income could cause BSY to cease publishing the deserving books. This would adversely impact the creation of new works, scholarly endeavor, and scientific progress.
12. BSY's books authorized for sale worldwide are of the highest quality. These books are generally printed with strong cover bindings with glossy protective coatings and, in some cases, contain extra features such as hologram of BSY's logo. Additionally, the books may contain copyrighted pictures of Swami Sivananda Saraswati.
13. The works published by BSY also uses the best paper quality, which is available. Moreover, the ink used to print the books of BSY is of the highest quality.

**PLAINTIFF'S COPYRIGHTS AND TRADEMARKS**

14. Plaintiff routinely registers its copyrights.

15. Plaintiff also owns, itself or through their parent or affiliate companies, trademarks that they use to differentiate their products from those of their competitors.

16. A list of registered US trademarks is included with this complaint as **Schedule A**

**THE INFRINGING ACTS OF DEFENDANTS**

17. The defendants John Does Corporations 1-5 and John Does 1-5 have without permission sold counterfeit copies of plaintiff's books through the Internet-based marketplace available at [www.amazon.com](http://www.amazon.com).

18. The plaintiff is diligent in maintaining and protecting its intellectual property rights worldwide. The plaintiff's literary work Asana Pranayama Mudra Bandha (2008 Edition) by Swami Satyananda Saraswati (hereinafter "the book") has been very popular among its readers. However, during recent times, the sale of the book has been declining.

19. It was brought to the attention of the plaintiff that counterfeit of the book was getting sold on [www.amazon.com](http://www.amazon.com). The plaintiff then, through their attorneys, conducted an investigation in the US regarding the sale of the book. The plaintiff found that two sellers, namely "Kryston" and "bookland" were selling counterfeit of the book through marketplace available on the web page [www.amazon.com](http://www.amazon.com) of the defendant Amazon. Numerous orders were placed from different sellers of the book being sold on [www.amazon.com](http://www.amazon.com). The order included ordering of the book from the defendant Amazon also.

20. The book that was received from different sellers including defendant Amazon was original piece of work. However, the book received from the sellers "Kryston" and "bookland" on every occasion was a counterfeit. These counterfeit of the book was sold by "Kryston" and "bookland" was as low as 70% of the price of book being sold by the plaintiff as well as the other sellers.

**FIRST CLAIM FOR RELIEF AS AGAINST AMAZON**

21. Plaintiff repeats the averments contained in paragraphs 1 through 20 as is set forth in full here.
22. On or about January 3, 2012, the plaintiff's attorney sent a letter to Amazon regarding the counterfeit sale of the books through [www.amazon.com](http://www.amazon.com). The letter specifically requested Amazon to provide the details of the sellers "Kryston" and "bookland" who are shipping counterfeit of the book.
23. On or about January 26, 2012, plaintiff's attorney received an email communication from Amazon stating that their standard procedure in case of reported counterfeit is to remove the listing of the seller from their website, and inform the seller of the reason of the removal. The email further stated that if the plaintiff does not agree to this, then the plaintiff will have to rescind the notice given to Amazon.
24. Plaintiff did not rescind the notice to Amazon, and Amazon did not remove the listing of "Kryston" and "bookland" from their website to sell the counterfeit of BSY's works.
25. Currently, only Amazon is in the possession of the details of "Kryston" and "bookland". The details include, but are not limited to, the name of the corporation selling under the name of "Kryston" and "bookland" (namely John Does Corporations 1-5), business address of the John Does Corporations operating under the name of "Kryston" and "bookland", the contact information of the officers of the John Does Corporations operating under the name of "Kryston" and "bookland", bank details, total amount of revenue generated by "Kryston" and "bookland" by selling counterfeit of the book and other literary works of the plaintiff etc.
26. Plaintiff demands the following as against Amazon:

- a. Permanent and a temporary restraining order to stop "Kryston" and "bookland", their officers, agents, and representatives from selling any counterfeit of the plaintiff's copyrighted works on [www.amazon.com](http://www.amazon.com);
- b. Plaintiff demands that Amazon must provide the details for "Kryston" and "bookland" to the plaintiff namely, but not limited to, the business address of the John Does Corporations operating under the name of "Kryston" and "bookland", the contact information of the officers of the John Does Corporations operating under the name of "Kryston" and "bookland", bank details, total amount of revenue generated by "Kryston" and "bookland" by selling counterfeit of the book and any other literary work of the plaintiff etc.
- c. Amazon must provide the details of all the sales of all of the plaintiff's literary work sold by "Kryston" and "bookland" through [www.amazon.com](http://www.amazon.com); and
- d. Amazon must hold all the funds from the sale proceeds of all of the plaintiff's books sold by "Kryston" and "bookland" until the pendency of this complaint.

**SECOND CLAIM FOR RELIEF**  
**AS AGAINST JOHN DOES CORPORATIONS**  
**AND JOHN DOES**

(Copyright Infringement - 17 U.S.C. § 501)

27. Plaintiffs repeat the averments contained in paragraphs 1 through 26 as if set forth in full here.
28. BSY owns and produces many literary works. A few of the literary works owned and produced by BSY is enclosed in **Schedule B**. The plaintiff is aware of the infringing acts of John Does Corporations and John Does by selling counterfeit of Asana Pranayama Mudra Bandha. Additionally, the plaintiff believes the John Does Corporations and John

Does are also selling counterfeit of the literary work of the plaintiff enclosed as **Schedule B** with this complaint.

29. Defendants John Does Corporations and John Does have infringed the Plaintiff's Copyrights in violation of 17 U.S.C. § 501.
30. Defendants John Does Corporations and John Does' acts have irreparably damaged and, unless enjoined, will continue to irreparably damage plaintiff. Plaintiff has no adequate remedy at law for these wrongs and injuries. Plaintiff are, therefore, entitled to a preliminary and permanent injunction restraining and enjoining defendants John Does Corporations and John Does and their agents, servants, employees, and attorneys and all persons acting in concert with them, from infringing the plaintiff's Copyrights.
31. Plaintiff is entitled to recover all damages sustained as a result of defendants John Does Corporations and John Does unlawful conduct including (1) defendants' profits, or (2) plaintiffs' damages, or alternatively (3) statutory damages.

**THIRD CLAIM FOR RELIEF**  
**AS AGAINST JOHN DOES CORPORATIONS**  
**AND JOHN DOES**

(Trademark Infringement - 15 U.S.C. § 1114(a))

32. Plaintiffs repeat the averments contained in paragraphs 1 through 31 above as if set forth in full here.
33. The plaintiff's Trademarks contained in the **Schedule A** are valid and enforceable.
34. Defendants John Does Corporations and John Does have infringed the plaintiff's Trademarks in violation of 15 U.S.C. § 1114(a) by using them on and/or in connection with the works that they have sold.
35. Defendants John Does Corporations and John Does' acts complained of herein have irreparably damaged plaintiff and may continue to do so. The damage to plaintiff includes

harm to their good will and reputation in the marketplace for which money cannot compensate. Plaintiff has no adequate remedy at law for these wrongs. Plaintiff is, therefore, entitled to a preliminary and permanent injunction restraining and enjoining defendants John Does Corporations and John Does, their agents, servants, employees, and attorneys and all persons acting in concert with them from using the plaintiff's Trademarks or any colorable imitation of them.

36. Defendants John Does Corporations and John Does have willfully infringed the plaintiff's Trademarks.
37. Plaintiffs are entitled to recover (1) defendants John Does Corporations and John Does' profits from the infringing books, (2) plaintiff's damages, (3) the costs of the suit, and (4) reasonable attorneys' fees.

**THIRD CLAIM FOR RELIEF**  
**AS AGAINST JOHN DOES CORPORATIONS**  
**AND JOHN DOES**

(Common Law Unfair Competition Under State Law)

38. Plaintiffs repeat the averments contained in paragraphs 1 through 37 above as if set forth in full here.
39. Defendants John Does Corporations and John Does' acts complained of herein have damaged and may continue to damage plaintiff irreparably. The damage to plaintiff includes harm to its goodwill and reputation in the marketplace for which money cannot compensate. Plaintiff has no adequate remedy at law for these wrongs and injuries. Plaintiff is, therefore, entitled to a preliminary and permanent injunction restraining and enjoining defendants John Does Corporations and John Does, their agents, servants, employees, and attorneys and all persons acting in concert with them from using the plaintiff's Trademarks or any colorable imitation of them, to restitution of defendants

John Does Corporations and John Does' ill-gotten gains, and to punitive damages in an amount to be determined by the trier of fact in this action.

WHEREFORE, plaintiffs demand judgment:

- A. Preliminary and a temporary restraining order as against Amazon to stop "Kryston" and "bookland", their officers, agents, and representatives from selling any counterfeit of the plaintiff's copyrighted works on www.amazon.com and any other affiliated website;
- B. An injunction as against Amazon to provide details for "Kryston" and "bookland" to the plaintiff namely, but not limited to, the business address of the John Does Corporations operating under the name of "Kryston" and "bookland", the contact information of the officers of the John Does Corporations operating under the name of "Kryston" and "bookland", bank details, total amount of revenue generated by "Kryston" and "bookland" by selling counterfeit of the book and any other literary work of the plaintiff, etc.;
- C. An injunction as against Amazon to provide details of all the sales of the plaintiff's literary work sold by "Kryston" and "bookland" through www.amazon.com and any other affiliated website;
- D. Preliminarily and permanently enjoining defendants John Does Corporations and John Does, their agents, servants, employees, and attorneys and all those acting in concert with them from infringing plaintiff's Copyrights in violation of 17 U.S.C. § 501;

- E. Awarding plaintiff its damages or defendants John Does Corporations and John Does' profits, or alternatively, at plaintiff's election, statutory damages, as a result of defendant's willful infringement of the plaintiff's Copyrights;
- F. Preliminarily and permanently enjoining defendants, their agents, servants, employees, and attorneys and all those acting in concert with them from infringing the plaintiff's Trademarks in violation of 15 U.S.C. § 1114(a);
- G. Awarding plaintiffs their damages and/or defendants' profits from their willful infringement of the plaintiff's Trademarks pursuant to 15 U.S.C. § 1117(a);
- H. Directing that defendants engage in such additional activities, including, but not limited to, recalls of products and corrective advertising, as may be necessary and appropriate to mitigate the damage defendants have caused;
- I. Awarding plaintiff its costs in this action, including its reasonable attorneys' fees pursuant 17 U.S.C. 505 and 15 U.S.C. § 1117;
- J. Awarding plaintiff punitive damages in an amount to be determined by the trier of facts in this action; and
- K. Granting such other and further relief as to this Court seems just and proper.

Dated: July 30, 2012  
New York, NY

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**SCHEDULE A**

Application Serial No.	Trademark Registration No.	Word Mark
77/124,134	3,421,549	SATYANANDA YOGA NIDRA
76/367,413	3,112,288	SATYANANDA YOGA
76/367,388	3,087,914	3 INTERNATIONAL YOGA FELLOWSHIP
76/367,416	3,118,623	BIHAR YOGA

**SCHEDULE B**

1. Ajna Chakra : In-depth discussion of Ajna chakra
2. Asana Pranayama Mudra Bandha: A systematic yoga manual
3. Bhakti Yoga Sagar VOL. I:Satsang with Swami Satyananda 1994
4. Bhakti Yoga Sagar VOL.II: Satsang with Swami Satyananda 1994
5. Bhakti Yoga Sagar VOL.III : Satsang with Swami Satyananda 1995
6. Bhakti Yoga Sagar VOL.IV : Satsang with Swami Satyananda 1996
7. Bhakti Yoga Sagar VOL.V : Satsang with Swami Satyananda 1997
8. Bhakti Yoga Sagar VOL.VI : Satsang with Swami Satyananda 1998-2000
9. Bhakti Yoga Sagar VOL.VII : Satsang with Swami Satyananda 2001
10. Dharana Darshan : Yogic, Tantric & Upanishadic Practices of Concentration and Visualization
11. Dharma of a Disciple : Yogadrishti Satsang Series
12. Dynamics of Yoga : The Foundations of Bihar Yoga
13. Effects of Yoga on Hypertension: Yogic management of hypertension
14. Exploring Yoga and Cancer: Study on cancer from the yogic perspective
15. Four Chapters on Freedom: Commentary on the yoga sutras of patanjali
16. Hatha Yoga Pradipika : Elucidates the entire science of Hatha Yoga
17. Head, Heart & Hands : Yogadrishti Satsang Series
18. Karma & Karma Yoga : Yogadrishti Satsang Series
19. Karma Sannyasa : Spiritual life for the Householder
20. Kundalini Tantra : Seminal work on Kundalini, chakras and Kriya Yoga
21. Light on the Guru Disciple Relationship : Discussions, questions and Answers
22. Maha Samadhi : Antardhayana : Offers insight into the experience of the Absolute

23. Mantra & Yantra : Yogadrishti Satsang Series
24. Meditations from the Tantras : Comprehensive book on Meditation for beginners
25. Mere Ardhya : My Beloved Guru : Inspiring incidents from the life of Swami Satyananda
26. Mind, Mind Management & Raja Yoga : Yogadrishti Satsang Series
27. Moola Bandha :The Master Key : Practices for Kundalini awakening
28. Nawa Yogini Tantra : Yoga for Women : Explores the needs of women from a yogic perspective
29. Nine Principal Upanishads : Text, transliteration and translation
30. Origin of Yoga & Pashupata Yoga : Yogadrishti Satsang Series
31. Path of Pravritti & Nivritti : Yogadrishti Satsang Series
32. Practical Yoga Psychology : New perspectives in the area of yoga psychology
33. Practices of Yoga for the Digestive System : Traditional medical, ayurvedic and yogic views
34. Prana and Pranayama : New edition of the original text on prana and pranayama
35. Rikshapeeth Satsang : Satsang with Swami Satyananda, 200-2007
36. Sadhana : The Path of Transformation : Offers insight into the practical aspects of yoga
37. Samarpan : Living the divine Connection : Offers insight into the Sadhana of Self-Surrender
38. Samatvam : The Yoga of Equanimity :offers insight into attaining peace of mind
39. Samkhya Darshan : Yogic perspective on Theories of Realism
40. Sannyasa : Yogadrishti Satsang Series
41. Sannyasa Darshan : A Treatise on Traditional and contemporary Sannyasa
42. Sanskrit Glossary OF Yogic Terms : Wealth of definitions of yoga and its related topics

43. Sri Saundarya Lahari : The Descent : Inspiring new commentary on the classical tantric text
44. Sri Vijnana Bhairava Tantra : The Ascent: Commentary on the classical tantric text
45. Steps to Yoga :Letters by Swami Satyananda to disciples
46. Sure Ways to Self Realization : Systems of meditation from cultures worldwide
47. Surya Namaskara : A technique of solar vitalization
48. Swara Yoga : The Tantric Science of Brain Breathing
49. Taming the Kundalini : Detailed account of yogic and spiritual training
50. Tattwa Shuddhi : The Tantric Science of Inner Purification
51. Teachings of Swami Satyananda VOL.II : Selection of Satsangs, 1979-81
52. Teachings of Swami Satyananda VOL.III : Selection of Satsangs, 1982
53. Teachings of Swami Satyananda VOL.VI : Satsangs and interviews 1978-85
54. Upasana : In the Presence of the Divine : Offers insight into the art of worship
55. Yajna : A Comprehensive Survey : Rediscovery of the ancient Vedic tradition of Yajna
56. Yoga and Cardiovascular Management : Addresses yogic and medical management
57. Yoga and Kriya : A Systematic Course in the Ancient Tantric Techniques of Yoga and Kriya
58. Yoga Chudamani Upanishad : Crown Jewel of Yoga : Treatise on Kundalini Yoga
59. Yoga Darshan : Vision of the Yoga Upanishads : Philosophy and Yoga Practices
60. Yoga Education for Children VOL.1 :Teaching of yoga to children of all age groups
61. Yoga Education for Children VOL.2: Contains a wealth of new ideas and techniques
62. Yoga Nidra :Method of relaxation suitable for all practitioners
63. Yoga Sadhana Panorama VOL.I : Satsang with Swami Niranjananda 1994

- 64. Yoga Sadhana Panorama VOL.II : Satsang with Swami Niranjananda 1995
- 65. Yoga Sadhana Panorama VOL.III : Satsang with Swami Niranjananda 1997
- 66. Yoga Sadhana Panorama VOL.IV : Satsang with Swami Niranjananda 2000-2002
- 67. Yoga Sadhana Panorama VOL.V : Satsang with Swami Niranjananda 2004-2005
- 68. Yogic Management of Asthma & Diabetes : Explores these disorders from a yogic perspective
- 69. Yogic Management of Cancer : Managing cancer the yogic way
- 70. Yogic Management of Common Diseases : Offers ways of managing disease the yogic way